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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,513	06/09/2006	Takanori Yamagishi	292380US0PCT	2912
22850	7590	08/25/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
EOFF, ANCA				
ART UNIT		PAPER NUMBER		
1795				
NOTIFICATION DATE		DELIVERY MODE		
08/25/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/582,513

Applicant(s)

YAMAGISHI ET AL.

Examiner

ANCA EOFF

Art Unit

1795

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 August 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☒ The Notice of Appeal was filed on 08/14/2008. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 2-5, 9, 10 and 14-16.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Cynthia H Kelly/
Supervisory Patent Examiner, Art Unit 1795

/Anca Eoff/
Examiner, Art Unit 1795

Continuation of 11, does NOT place the application in condition for allowance because:

On page 3 of the Remarks the applicant states that the references cited in the previous Office Action fail to suggest the claimed process of claim 14.

Claim 14 is rejected under 35 USC 103(a) over Sounik et al. (US Pg-Pub 2004/0242798) in view of Sehm (US patent 4,420,610) and in further view of Zampini et al. (US Patent 5,939,511).

As shown at paragraph 4 of the Office Action mailed on February 14, 2008, Sounik et al. disclose a method of preparing polymers of enhanced purity, said method including a solvent exchange/solvent swap method (abstract). The polymers of Sounik et al. (par.0022-0038) are equivalent to the polymers of the instant application and comprise a repeating unit decomposable by the action of an acid and a repeating unit with a polar group.

Sounik et al. disclose a solvent exchange/solvent swap process but do not specifically disclose the steps of such process.

Sehm discloses a solvent exchange process for polymer slurries (abstract), said slurries including methacrylate polymers (column 3, lines 6-42). In the solvent exchange process, a solvent with lower boiling point is heated to distill off while it is replaced with a liquid having a higher boiling point (abstract and column 7, lines 38-45).

Based on the fact that Sounik et al. teach that a solvent swap process is performed in a process of purifying a polymer and Sehm teaches a solvent swap process for polymeric slurries, it would have been obvious to one of ordinary skill to perform the steps of the solvent exchange process of Sehm in the process of purifying a polymer of Sounik et al.

Sounik and Sehm do not teach that the process is performed under pressure.

Zampini et al. disclose a solvent exchange process performed for the purification of novolak resins. In said process, a second solvent is added to a solution of polymer and a first solvent and the first solvent is distilled under vacuum (column 12, line 51-column 13, line 16).

The solvent swap process of Zampini et al. is applied for the purification of polymers for resist compositions so one of ordinary skill in the art would be motivated to combine the teachings of Zampini with Sounik and Sehm.

The applicant is further arguing that Sounik et al. do not mention that the amount of impurities having a boiling point at atmospheric pressure of not more than the boiling point of the solvents for film-coating formation is 1 mass% or less.

Paragraph 4 of the previous Office Action shows that, based on the disclosure of Sounik et al., it is the examiner's position that the polymer does not contain any methanol after the solvent exchange process so the limitation regarding the amount of impurities with boiling point at atmospheric pressure of not more than the boiling point of the solvents for film-coating formation is met.

The applicant did not show any evidence to the contrary so the examiner maintains his position.